

WISCONSIN ELECTIONS COMMISSION

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DATE: October 2, 2017

TO: County and Municipal Clerks Using the Optech Eagle

FROM: Michael Haas
Commission Interim Administrator

Richard Rydecki
Elections Supervisor

SUBJECT: **Optech Eagle Decertification Timeline and Required Procedures for Continued Use**

At its September 26, 2017 meeting, the Wisconsin Elections Commission approved a timeline for the decertification of the Optech Eagle optical scan ballot tabulator. The Commission also set conditions for continued use that must be met if a municipality uses the Optech Eagle in an election before the decertification deadline. The decisions made by the Commission are outlined below.

Optech Eagle Decertification: Effective December 31, 2018

The Optech Eagle will no longer be certified for use in Wisconsin elections after December 31, 2018, and cannot be used in any election after that date. Municipalities currently using the Optech Eagle must cease use of the equipment by January 1, 2019 and have replacement equipment in place by the beginning of the 2019 election cycle. Please contact the Wisconsin Elections Commission when you have purchased new equipment so that our records can be updated accordingly. Many municipalities have already begun the process of replacing their Optech Eagles, but if you have any questions about the purchasing process or decertification timeline, please contact Wisconsin Elections Commission staff for assistance.

Remake or Hand Count By-Mail Absentee Ballots: Effective Immediately

All municipalities who continue to use the Optech Eagle are required to remake all absentee ballots returned by mail or hand count those ballots. This requirement will ensure that votes on absentee ballots are tabulated in accordance with the intent of the voter. This procedure is required to be in place for all Wisconsin elections from September 26, 2017 until the December 31, 2018 decertification date of the Optech Eagle.

This requirement is limited only to absentee ballots returned by mail. As you know, the Optech Eagle requires the voter to use a marking device that produces a carbon-based mark which enables the machine to read votes on a ballot. If a voter marks their ballot using a marking device other than a vendor-approved marker or #2 pencil, such as a regular marker, it is possible that the Optech Eagle will not be

able to determine voter intent. The machine could read these ballots as blank and the result would be an increase in the number of undervotes for each contest where a voter attempted to mark a choice. Local election officials and election inspectors have little control over the marking devices used by voters who return their absentee ballots by mail, which is why this required procedure is limited to those ballots.

All Recounts of Ballots Voted on the Optech Eagle Must be Conducted by Hand: Effective Immediately

Effective immediately, the Optech Eagle should not be used to tabulate ballots during any recount scenario. For any recount ordered after an election where an Optech Eagle was used to tabulate votes, all ballots processed by the Optech Eagle on Election Day must be hand counted during the recount. This includes ballots voted at the polling place, absentee ballots voted in the clerks' office during the in-person absentee period and absentee ballots returned by mail.

Thank you for your attention to these important issues regarding continued use of the Optech Eagle. Please contact the WEC Help Desk at (608) 261- 2028 or elections@wi.gov if you have any questions about new voting equipment purchases or regarding processing ballots when using the Optech Eagle.